IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.6682 OF 2005

1.Subhash Mukund Kamble
2.Madhukar Mukund Kamble
3.Mukund Tukaram Kamble
4.Sou.Vatsala Mukund Kamble ...Applicants
vs.
The State of Maharashtra ...Respondent

Mr.S.A.Ingawale for the Applicants
Mr.A.S.Gadkari,A.P.P. for State

CORAM: A.S.OKA,J.
DATE : OCTOBER 24,2005

P.C.:

1. Heard Advocate for the Applicants and the learned A.P.P. for State. The offence registered against the Applicants is punishable under Sections 302, 201, 498-A read with Section 34 of the Indian Penal Code. The Applicant No.1 is the husband of the deceased. The Applicant No.2 is the brother-in-law of the deceased and the Applicant Nos.3 and 4 are the in-laws of the deceased.

2. After having heard the Advocates for the parties, I find that there is enough material on record against the Applicant No.1 to show his complicity. So far as Applicant No.2 is concerned the only material which appears against him so far as offence under Section 302 of I.P.C. is concerned, is the memorandum recorded at the instance of the Applicant No.1 under Section 27 of the Indian Evidence Act,1872. As far as Applicant Nos.3 and 4 are concerned, the allegation seems to

be regarding commission of offence under Section 498-A of the I.P.C.

3. The age of the Applicant No.3 is stated to be 60 years. The age of the Applicant No.4 is 55 years who is a married woman. So far as Applicant No.2 is concerned, there is some material on record to show that on 1st April 2005 he was on duty. Investigation has been completed and the charge sheet has been filed. A case is made out for enlarging the Applicant Nos.2 to 4 on bail. However, no case is made out so far as Applicant No.1 is concerned.

4. Hence, I pass the following order :

i) Application of Applicant No.1 Subhash Mukund Kamble is rejected.

ii) Application of Applicant No.2-Madhukar Mukund Kamble, Applicant No.3 Mukund Tukaram Kamble, Applicant No.4-Sou. Vatsala Mukund Kamble is allowed.

iii) The Applicant No.2-Madhukar Mukund Kamble, Applicant No.3-Mukund Tukaram Kamble and Applicant No.4-Sou.Vatsala Mukund Kamble shall be enlarged on bail in connection with C.R.No.27 of 2005 registered with Chandgad Police

Station,Kolhapur subject to furnishing a personal bond of Rs.10,000/- (Rupees ten thousand) each with one or two local sureties each in the like amount.

iv) The bail is granted subject to the condition that the Applicant Nos.2 to 4 will report to the concerned Police Station once in a fortnight till conclusion of trial.

v) The Bail is granted subject to condition that the Applicant Nos.2 to 4 shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with prosecution evidence.

vi) The Applicant Nos.2 to 4 shall cooperate with the learned Trial Judge for expeditious disposal of the trial. Any attempt by the Applicant Nos.2 to 4 to delay the trial may be a ground for cancellation of bail.

iv) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

v) Application is disposed of in above terms.

vi) The parties to act upon an authenticated copy of this order.

JUDGE